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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,261	11/18/2001	Thomas Vieweg	VD01/09	7021

7590 04/09/2004
Edward P. Dutkiewicz
P.O. Box 511
Largo, FL 33779-0511

EXAMINER

CHAWAN, SHEELA C

ART UNIT PAPER NUMBER

2625

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 09/03/2003
Thomas Viewing
777 Mount Avenue
Wyandanch, NY 11798

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Office Action Summary

Application No.

09/992,261

Applicant(s)

VIEWEG, THOMAS

Examiner

Sheela C Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the exterior region 166 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description : reference number 156. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

3. Claims 1-3, would be allowable if overcome the drawing objection(s), set fourth in this office action .

Allowable Subject Matter

4. Claims 8 and 9, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, the prior art fails to disclose the system and further including a secondary release assembly 174 including a slider 176 on the outside of the second section operatively coupled to the finger, the release assembly and the secondary release assembly operable concurrently for allowing separation of the finger from the recess and latch when the slider is depressed by a user and when the latch

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and plunger are reciprocated to the withdrawn position in response to a fingerprint of a user on the touch pad matching a pre-stored fingerprint in the sensor.

Regarding claim 9, the prior art fails to disclose the system and further including: a supplemental release assembly 184 including a button 186 on the outside of the second section operatively coupled to the finger, the release assembly and the secondary release assembly operable for allowing separation of the finger from the recess and latch when the button is depressed by a user and when the latch and plunger are reciprocated to the withdrawn position in response to a fingerprint of a user on the touch pad matching a pre-stored fingerprint in the sensor; and

a timer 188 operatively coupled to the solenoid to hold the plunger retracted for a predetermined period of time to allow a user to depress the button after a matching fingerprint of a user has been removed from the touch pad.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 - 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro (US.4,768,021) in view of Klebes et al.(US.6,260,300) .

As per claim 4, Ferraro discloses a container security system comprising:

a touch pad for fingerprint identification attached to the outside of the first section (abstract, fig 5, item 62, column 3, lines 15- 32);

a sensor with at least one pre-stored fingerprint operatively coupled to the touch pad (column 3, lines 15- 32, 44- 51);

Regarding claim 1, Ferraro discloses a safe for loaded hand gun . Ferraro is silent about specific details of a container with a first section and a second section; a solenoid coupled to the sensor and having a plunger reciprocable from a rest position to a withdrawn position in response to a signal from the sensor; a latch attached to the remote end of the plunger having a recess therein; a release assembly coupled to the second section with a finger removably positionable in the recess to maintain the container locked in a closed orientation but with the finger being readily removable from the recess to allow the container security system to assume an open orientation when the latch and plunger are reciprocated in response to a fingerprint of a user on the touch pad matching a pre-stored fingerprint in the sensor. However, Klebes discloses biometrically activated lock and enablement system . The system comprises of :

a container (column 4, lines 50- 52) with a first section and a second section (column 4, lines 49- 67) ;

a solenoid coupled to the sensor and having a plunger reciprocable from a rest position to a withdrawn position in response to a signal from the sensor (column 5, lines 13 - 22);

a latch attached to the remote end of the plunger having a recess therein (column 5, lines 2- 45);

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a release assembly coupled to the second section with a finger removably positionable in the recess to maintain the container locked in a closed orientation but with the finger being readily removable from the recess to allow the container security system to assume an open orientation when the latch and plunger are reciprocated in response to a fingerprint of a user on the touch pad matching a pre-stored fingerprint in the sensor (column 4, lines 49- 67, column 5, lines 1- 45), as shown by Klebes the use of a container with a first section and a second section because, the system achieves the objectives of providing a locking and/or control system that is highly secure, yet can be unlocked and activated quickly without being subject to (column 2, lines 1-18).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention to incorporate the teaching the step of a container with a first section and a second section as taught by Klebes's into the system of Ferraro because one with ordinary skill in the art would realize that it is possible to achieve the objectives of providing a locking and/or control system that is highly secure, yet can be unlocked and activated quickly without being subject to, as suggested by Klebes at (column 2, lines 1- 18).

As per claim 5, Klebes discloses the system wherein the container is a purse (purse is like a container which works like a safe box locking system for securely storing a handgun , column 4, lines 47- 61) .

As per claim 6, Klebes discloses the system wherein the container is a suitcase (column 1, lines 11- 21).

As per claim 7, Klebes discloses the system wherein the container is an attache case (column 1, lines 11- 21).

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Owens (US.5,916,087) discloses safety device for firearms.

Torii, Jr.(US.5,416,472) discloses firearms security system and access lock therefor.

Thomopoulos et al. (US.5,978,495) discloses method and apparatus for accurate determination of the identify of human beings.

Torii, Jr. (US. 5,598,151) discloses firearm security system and access lock therefor.

Bowker et al.(US. 5,812,252) discloses fingerprint -acquisition apparatus for access control; personal weapon and other systems controlled thereby.

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Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Chawan whose telephone number is (703) 305-4876.

If attempts to reach the examiner on Monday through Thursday from 8:30 a.m. to 5:00 p.m. by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 - 9314, (for formal communications intended for entry)

Or: Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703)305-4750.


Sheela Chawan
Patent Examiner
Group Art Unit 2625
June 27, 2003


Jayanti K. Patel
Primary Examiner